

Strasbourg, 17 January, 2017

Mr Wolfgang Brandstetter, Federal Minister of Justice

Federal Ministry of Justice

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Dear Mr Minister Brandstetter,

We write to you as Members of the European Parliament from Estonia and the United Kingdom, as we would like to raise with you the urgent and extremely worrying case of Mr Nail Malyutin, a Russian whistle-blower who, as we have learnt from a letter signed by well-known and respected Russian and Polish human rights defenders, is during his extradition procedure from Austria to Russia.

Mr Malyutin has been a businessman, in a Russian company, who initiated a financial audit and revealed to the Russian and Western law enforcement authorities and media, illegal money transfers carried out by the company's shareholders, including Mr Igor Yusofov, a former Minister of Energy and a Member of the Gazprom Board of Directors. Such whistle-blowing actions of Mr Malyutin and the close affiliation of Mr Yusofov to (that time) President of Russia, Mr Dmitry Medvedev, have resulted in a forced escape from the country and retaliatory actions from the politicized investigators from the Caucasus region. Mr Malyutin has been initially accused and charged of economic crimes he publicly revealed, and then of 'incitement to murder', allegedly committed at the end of 2006 and not investigated until 2014, when a single witness - a former Federal Security Service's (FSB) officer who also has been recognised by the Russian court as unable to be tried due to mental illness – testified so.

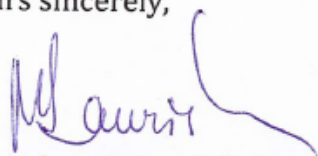
As we have learned that the Higher Regional Court of Vienna revoked the decision of 29 July, 2015 to approve Mr Malyutin's extradition to Russia based on charge of 'incitement to murder', and to re-examine the case, we would like to raise your attention to the fact that financial charges against Mr Malyutin have

the same doubtful grounds as the murder-related accusations, and are being used as means to justify the politically motivated extradition, as well as before to arrest Mr Malyutin in Austria where he has his permanent address of residence and has been willing to cooperate with the Austrian authorities. Currently Mr Malyutin stays in custody for worrying long time, since March 2015.

As politicians highly interested in the current political and human rights situation in the post-Soviet states, and particularly Russia – its illegal annexation of Crimea, military intervention in the Eastern Ukraine and the lack of basic civil rights and freedoms in the country – we would like to ask you to take into account all of the arguments that we have stated before, and re-examine the case of Mr Malyutin not only from the legal but primarily the political point of view.

Learnt by the sad experience of the case of another whistle-blower in Russia, Mr Sergey Magnitsky, we believe that Austria, a signatory of the United Nations Convention Against Torture, will not allow for the extradition of Mr Malyutin to Russia because of the lack of trustworthy assurances of a fair investigation and trial, decent conditions of detention and protection from torture, particularly in a Caucasian region characterized by a low human-rights and the rule of law levels, as well as confirmed by numerous cases examined by the European Court for Human Rights in Strasbourg (Zayev v. Russia (no. 36552/05), Turbylev v. Russia (no. 4722/09), Tsarenko v. Russia, no. 5235/09).

Yours sincerely,



Marju Lauristin, MEP (Estonia)



Julie Ward, MEP (the United Kingdom)